

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED
DEC 14 2010

U.S. DISTRICT COURT
ELKINS WV 26241

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:10cr26
Violations: 30 USC §820(f)

CHAD J. FERRELL,
Defendant.

INDICTMENT

The Grand Jury charges that:

Introduction

1. Brooks Run Mining Company, LLC ("Brooks Run") is a West Virginia Limited Liability Company (LLC) that operated the Poplar Ridge No. 1 Deep Mine ("Poplar Ridge Mine"), an underground coal mine in Webster County, within the Northern District of West Virginia.
2. The defendant, CHAD J. FERRELL, received an "underground coal miner" certificate in 2001, by the West Virginia Office of Miners' Health Safety and Training.
3. Brooks Run hired defendant CHAD J. FERRELL in September, 2007, to work as an underground coal miner at Poplar Ridge Mine. On or about September 15, 2008, Brooks Run promoted the defendant, CHAD J. FERRELL, to the position of mine foreman.
4. Defendant CHAD J. FERRELL is not and has never been certified as an mine foreman or a mine safety examiner by the State of West Virginia Office of Miners' Health, Safety and Training (WVOMHST) or by the United States Mine Safety and Health Administration (MSHA).
5. From September 15, 2008, through June 5, 2009, defendant CHAD J. FERRELL performed preshift and onshift safety examinations at Poplar Ridge Mine. He reported the results

of his safety examinations in the mine's "PRE-SHIFT - ONSHIFT and DAILY REPORT" book, signing-off on his work as either the "Preshift - Mine Examiner," "Assistant Mine Foreman," or "Mine Foreman - Mine Manager," and placing a mine foreman's certification number that was not and has never been assigned to him by either WVOMHST or MSHA.

6. From September 15, 2008, through June 5, 2009, defendant CHAD J. FERRELL also countersigned preshift and onshift safety reports of other mine safety examiners, as "Assistant Mine Foreman" or "Mine Foreman - Mine Manager," again placing the same mine foreman's certification number beside his signature that was not and has never been assigned to him.

7. On or about June 11, 2009, Brooks Run fired the defendant CHAD J. FERRELL, when he was unable to produce a mine foreman's certification card from WVOMHST or MSHA.

COUNT ONE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of September, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
01	September 15, 2008	8:00 p.m.
02	September 16, 2008	9:21 p.m.
03	September 17, 2008	9:20 p.m.
04	September 18, 2008	9:24 p.m.
05	September 19, 2008	9:18 p.m.
06	September 22, 2008	9:18 p.m.

07	September 23, 2008	9:21 p.m.
08	September 24, 2008	9:15 p.m.
09	September 25, 2008	9:16 p.m.
10	September 29, 2008	9:15 p.m.
11	September 30, 2008	9:25 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWO

(False Statements, Representations and Certifications in MSHA Documents)

UNDERGROUND MINE
PRESHIFT SAFETY EXAMINATIONS

On or about each date listed below in the month of October, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
12	October 2, 2008	9:10 p.m.
13	October 3, 2008	9:15 p.m.
14	October 6, 2008	9:15 p.m.
15	October 7, 2008	9:20 p.m.
16	October 8, 2008	9:10 p.m.
17	October 9, 2008	9:20 p.m.
18	October 13, 2008	9:14 p.m.

19	October 14, 2008	9:18 p.m.
20	October 15, 2008	9:16 p.m.
21	October 16, 2008	9:15 p.m.
22	October 17, 2008	9:15 p.m.
23	October 20, 2008	9:20 p.m.
24	October 22, 2008	9:20 p.m.
25	October 23, 2008	9:15 p.m.
26	October 27, 2008	9:15 p.m.
27	October 28, 2008	9:18 p.m.
28	October 29, 2008	9:13 p.m.
29	October 30, 2008	9:17 p.m.
30	October 31, 2008	9:13 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT THREE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of November, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
31	November 3, 2008	9:20 p.m.
32	November 4, 2008	9:17 p.m.
33	November 5, 2008	9:13 p.m.
34	November 6, 2008	9:20 p.m.
35	November 10, 2008	9:20 p.m.
36	November 11, 2008	9:15 p.m.
37	November 12, 2008	9:15 p.m.

38	November 13, 2008	9:03 p.m.
39	November 14, 2008	9:12 p.m.
40	November 17, 2008	9:17 p.m.
41	November 18, 2008	9:15 p.m.
42	November 19, 2008	9:12 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT FOUR**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of December, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
43	December 1, 2008	9:21 p.m.
44	December 2, 2008	9:14 p.m.
45	December 3, 2008	9:12 p.m.
46	December 4, 2008	9:16 p.m.
47	December 5, 2008	9:18 p.m.
48	December 8, 2008	9:15 p.m.
49	December 9, 2008	9:10 p.m.

50	December 10, 2008	9:08 p.m.
51	December 11, 2008	9:10 p.m.
52	December 12, 2008	9:12 p.m.
53	December 15, 2008	9:18 p.m.
54	December 16, 2008	9:10 p.m.
55	December 17, 2008	9:12 p.m.
56	December 18, 2008	9:05 p.m.
57	December 19, 2008	1:20 p.m.
58	December 29, 2008	9:17 p.m.
59	December 30, 2008	9:10 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT FIVE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of January, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
60	January 5, 2009	9:14 p.m.
61	January 6, 2009	9:10 p.m.
62	January 7, 2009	8:00 p.m.
63	January 8, 2009	8:03 p.m.
64	January 9, 2009	8:02 p.m.
65	January 12, 2009	8:02 p.m.
66	January 13, 2009	8:05 p.m.

67	January 14, 2009	8:06 p.m.
68	January 15, 2009	8:15 p.m.
69	January 20, 2009	8:19 p.m.
70	January 21, 2009	8:10 p.m.
71	January 22, 2009	8:10 p.m.
72	January 23, 2009	8:10 p.m.
73	January 26, 2009	8:20 p.m.
74	January 27, 2009	8:18 p.m.
75	January 28, 2009	8:20 p.m.
76	January 29, 2009	8:15 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT SIX**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of February, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
77	February 4, 2009	8:18 p.m.
78	February 5, 2009	8:10 p.m.
79	February 9, 2009	8:20 p.m.
80	February 10, 2009	8:15 p.m.
81	February 11, 2009	9:18 p.m.
82	February 12, 2009	8:20 p.m.
83	February 16, 2009	8:17 p.m.

84	February 17, 2009	8:20 p.m.
85	February 18, 2009	8:20 p.m.
86	February 19, 2009	8:20 p.m.
87	February 20, 2009	8:18 p.m.
88	February 23, 2009	8:20 p.m.
89	February 24, 2009	8:15 p.m.
90	February 25, 2009	8:15 p.m.
91	February 26, 2009	8:20 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT SEVEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of March, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
92	March 2, 2009	8:18 p.m.
93	March 3, 2009	8:20 p.m.
94	March 4, 2009	8:20 p.m.
95	March 5, 2009	8:17 p.m.
96	March 6, 2009	8:20 p.m.
97	March 9, 2009	8:20 p.m.
98	March 10, 2009	8:20 p.m.

99	March 11, 2009	8:20 p.m.
100	March 12, 2009	8:21 p.m.
101	March 16, 2009	8:21 p.m.
102	March 17, 2009	8:20 p.m.
103	March 18, 2009	8:15 p.m.
104	March 19, 2009	8:15 p.m.
105	March 20, 2009	8:20 p.m.
106	March 23, 2009	8:20 p.m.
107	March 24, 2009	8:20 p.m.
108	March 25, 2009	8:20 p.m.
109	March 26, 2009	8:18 p.m.
110	March 30, 2009	8:20 p.m.
111	March 31, 2009	8:20 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT EIGHT**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of April, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
112	April 1, 2009	8:20 p.m.
113	April 2, 2009	8:22 p.m.
114	April 7, 2009	8:20 p.m.
115	April 8, 2009	8:20 p.m.
116	April 20, 2009	8:20 p.m.
117	April 21, 2009	8:22 p.m.
118	April 22, 2009	8:18 p.m.

119	April 23, 2009	8:20 p.m.
120	April 27, 2009	8:20 p.m.
121	April 28, 2009	8:20 p.m.
122	April 29, 2009	8:21 p.m.
123	April 30, 2009	8:20 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT NINE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of May, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
124	May 4, 2009	8:20 p.m.
125	May 5, 2009	8:20 p.m.
126	May 6, 2009	8:20 p.m.
127	May 7, 2009	8:19 p.m.
128	May 8, 2009	5:30 a.m.
129	May 11, 2009	8:20 p.m.
130	May 12, 2009	8:20 p.m.

131	May 13, 2009	8:18 p.m.
132	May 14, 2009	8:20 p.m.
133	May 18, 2009	8:20 p.m.
134	May 19, 2009	8:21 p.m.
135	May 20, 2009	8:20 p.m.
136	May 21, 2009	8:21 p.m.
137	May 26, 2009	8:20 p.m.
138	May 27, 2009	8:20 p.m.
139	May 28, 2009	8:18 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TEN

(False Statements, Representations and Certifications in MSHA Documents)

UNDERGROUND MINE**PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of June, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
140	June 1, 2009	8:17 p.m.
141	June 3, 2009	8:17 p.m.
142	June 4, 2009	8:20 p.m.
143	June 5, 2009	5:00 a.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT ELEVEN

(False Statements, Representations and Certifications in MSHA Documents)

UNDERGROUND MINE
ONSHIFT SAFETY EXAMINATIONS

On or about the dates listed below in the month of September, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
144	September 15, 2008	Evening Shift
145	September 16, 2008	Evening Shift
146	September 17, 2008	Evening Shift
147	September 18, 2008	Evening Shift
148	September 19, 2008	Evening Shift
149	September 20, 2008	Evening Shift
150	September 22, 2008	Evening Shift

151	September 23, 2008	Evening Shift
152	September 24, 2008	Evening Shift
153	September 25, 2008	Evening Shift
154	September 26, 2008	Evening Shift
155	September 29, 2008	Evening Shift
156	September 30, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT TWELVE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of October, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
157	October 1, 2008	Evening Shift
158	October 2, 2008	Evening Shift
159	October 3, 2008	Evening Shift
160	October 4, 2008	Evening Shift
161	October 6, 2008	Evening Shift
162	October 7, 2008	Evening Shift
163	October 8, 2008	Evening Shift

164	October 9, 2008	Evening Shift
165	October 10, 2008	Evening Shift
166	October 13, 2008	Evening Shift
167	October 14, 2008	Evening Shift
168	October 15, 2008	Evening Shift
169	October 16, 2008	Evening Shift
170	October 17, 2008	Evening Shift
171	October 18, 2008	Evening Shift
172	October 20, 2008	Evening Shift
173	October 22, 2008	Evening Shift
174	October 23, 2008	Evening Shift
175	October 24, 2008	Evening Shift
176	October 27, 2008	Evening Shift
177	October 28, 2008	Evening Shift
178	October 29, 2008	Evening Shift
179	October 30, 2008	Evening Shift
180	October 31, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT THIRTEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of November, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
181	November 1, 2008	Evening Shift
182	November 3, 2008	Evening Shift
183	November 5, 2008	Evening Shift
184	November 6, 2008	Evening Shift
185	November 7, 2008	Evening Shift
186	November 8, 2008	Evening Shift
187	November 11, 2008	Evening Shift

188	November 12, 2008	Evening Shift
189	November 13, 2008	Evening Shift
190	November 14, 2008	Evening Shift
191	November 15, 2008	Evening Shift
192	November 16, 2008	Evening Shift
193	November 18, 2008	Evening Shift
194	November 19, 2008	Evening Shift
195	November 20, 2008	Evening Shift
196	November 21, 2008	Evening Shift
197	November 22, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT FOURTEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of December, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
198	December 2, 2008	Evening Shift
199	December 3, 2008	Evening Shift
200	December 5, 2008	Evening Shift
201	December 6, 2008	Evening Shift
202	December 7, 2008	Evening Shift
203	December 9, 2008	Evening Shift
204	December 10, 2008	Evening Shift

205	December 11, 2008	Evening Shift
206	December 12, 2008	Evening Shift
207	December 13, 2008	Evening Shift
208	December 14, 2008	Evening Shift
209	December 16, 2008	Evening Shift
210	December 17, 2008	Evening Shift
211	December 18, 2008	Evening Shift
212	December 19, 2008	Evening Shift
213	December 20, 2008	Evening Shift
214	December 29, 2008	Evening Shift
215	December 31, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT FIFTEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of January, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
216	January 1, 2009	Evening Shift
217	January 3, 2009	Evening Shift
218	January 6, 2009	Evening Shift
219	January 7, 2009	Evening Shift
220	January 8, 2009	Evening Shift
221	January 9, 2009	Evening Shift
222	January 10, 2009	Evening Shift

223	January 11, 2009	Evening Shift
224	January 13, 2009	Evening Shift
225	January 14, 2009	Evening Shift
226	January 16, 2009	Evening Shift
227	January 17, 2009	Evening Shift
228	January 21, 2009	Evening Shift
229	January 22, 2009	Evening Shift
230	January 23, 2009	Evening Shift
231	January 24, 2009	Evening Shift
232	January 25, 2009	Evening Shift
233	January 27, 2009	Evening Shift
234	January 28, 2009	Evening Shift
235	January 29, 2009	Evening Shift
236	January 30, 2009	Evening Shift
237	January 31, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT SIXTEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of February, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
238	February 3, 2009	Evening Shift
239	February 5, 2009	Evening Shift
240	February 6, 2009	Evening Shift
241	February 10, 2009	Evening Shift
242	February 11, 2009	Evening Shift
243	February 12, 2009	Evening Shift
244	February 13, 2009	Evening Shift

245	February 17, 2009	Evening Shift
246	February 18, 2009	Evening Shift
247	February 19, 2009	Evening Shift
248	February 20, 2009	Evening Shift
249	February 21, 2009	Evening Shift
250	February 22, 2009	Evening Shift
251	February 24, 2009	Evening Shift
252	February 25, 2009	Evening Shift
253	February 26, 2009	Evening Shift
254	February 28, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT SEVENTEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of March, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
255	March 3, 2009	Evening Shift
256	March 4, 2009	Evening Shift
257	March 5, 2009	Evening Shift
258	March 6, 2009	Evening Shift
259	March 7, 2009	Evening Shift
260	March 8, 2009	Evening Shift
261	March 10, 2009	Evening Shift

262	March 11, 2009	Evening Shift
263	March 12, 2009	Evening Shift
264	March 13, 2009	Evening Shift
265	March 14, 2009	Evening Shift
266	March 17, 2009	Evening Shift
267	March 18, 2009	Evening Shift
268	March 19, 2009	Evening Shift
269	March 20, 2009	Evening Shift
270	March 21, 2009	Evening Shift
271	March 22, 2009	Evening Shift
272	March 24, 2009	Evening Shift
273	March 25, 2009	Evening Shift
274	March 26, 2009	Evening Shift
275	March 27, 2009	Evening Shift
276	March 28, 2009	Evening Shift
277	March 31, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT EIGHTEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of April, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
278	April 1, 2009	Evening Shift
279	April 2, 2009	Evening Shift
280	April 3, 2009	Evening Shift
281	April 4, 2009	Evening Shift
282	April 7, 2009	Evening Shift
283	April 8, 2009	Evening Shift
284	April 9, 2009	Evening Shift

285	April 10, 2009	Evening Shift
286	April 21, 2009	Evening Shift
287	April 22, 2009	Evening Shift
288	April 23, 2009	Evening Shift
289	April 24, 2009	Evening Shift
290	April 25, 2009	Evening Shift
291	April 28, 2009	Evening Shift
292	April 29, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT NINETEEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE
ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of May, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
293	May 1, 2009	Evening Shift
294	May 2, 2009	Evening Shift
295	May 5, 2009	Evening Shift
296	May 6, 2009	Evening Shift
297	May 7, 2009	Evening Shift
298	May 8, 2009	Evening Shift
299	May 12, 2009	Evening Shift

300	May 13, 2009	Evening Shift
301	May 14, 2009	Evening Shift
302	May 15, 2009	Evening Shift
303	May 16, 2009	Evening Shift
304	May 19, 2009	Evening Shift
305	May 20, 2009	Evening Shift
306	May 21, 2009	Evening Shift
307	May 22, 2009	Evening Shift
308	May 23, 2009	Evening Shift
309	May 27, 2009	Evening Shift
310	May 28, 2009	Evening Shift
311	May 29, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY

(False Statements, Representations and Certifications in MSHA Documents)

UNDERGROUND MINE

ONSHIFT SAFETY EXAMINATIONS

On or about each date listed below in the month of June, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SHIFT
312	June 2, 2009	Evening Shift
313	June 4, 2009	Evening Shift
314	June 5, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-ONE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of September, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
315	September 15, 2008	1:20 p.m.
316	September 16, 2008	1:23 p.m.
317	September 17, 2008	1:15 p.m.
318	September 18, 2008	1:30 p.m.
319	September 19, 2008	1:28 p.m.
320	September 20, 2008	1:20 p.m.

321	September 22, 2008	1:22 p.m.
322	September 23, 2008	1:00 p.m.
323	September 24, 2008	1:20 p.m.
324	September 25, 2008	1:21 p.m.
325	September 26, 2008	1:31 p.m.
326	September 29, 2008	1:15 p.m.
327	September 30, 2008	1:30 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-TWO**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of October, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
328	October 1, 2008	1:28 p.m.
329	October 2, 2008	1:16 p.m.
330	October 3, 2008	1:35 p.m.
331	October 4, 2008	1:30 p.m.
332	October 6, 2008	1:23 p.m.
333	October 7, 2008	1:26 p.m.

334	October 8, 2008	1:30 p.m.
335	October 9, 2008	1:32 p.m.
336	October 10, 2008	1:22 p.m.
337	October 13, 2008	1:30 p.m.
338	October 14, 2008	1:27 p.m.
339	October 15, 2008	1:17 p.m.
340	October 16, 2008	1:22 p.m.
341	October 17, 2008	1:20 p.m.
342	October 18, 2008	1:32 p.m.
343	October 20, 2008	1:30 p.m.
344	October 22, 2008	1:33 p.m.
345	October 23, 2008	1:24 p.m.
346	October 24, 2008	1:35 p.m.
347	October 27, 2008	1:34 p.m.
348	October 28, 2008	1:26 p.m.
349	October 29, 2008	1:30 p.m.
350	October 30, 2008	1:00 p.m.
351	October 31, 2008	1:36 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-THREE

(False Statements, Representations and Certifications in MSHA Documents)

UNDERGROUND MINE

COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS

On or about each date listed below in the month of November, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
352	November 1, 2008	1:30 p.m.
353	November 3, 2008	1:32 p.m.
354	November 4, 2008	1:29 p.m.
355	November 5, 2008	1:31 p.m.
356	November 6, 2008	1:38 p.m.
357	November 7, 2008	1:31 p.m.

358	November 10, 2008	1:34 p.m.
359	November 11, 2008	1:30 p.m.
360	November 12, 2008	1:31 p.m.
361	November 13, 2008	1:33 p.m.
362	November 14, 2008	1:29 p.m.
363	November 15, 2008	1:30 p.m.
364	November 17, 2008	1:38 p.m.
365	November 19, 2008	1:22 p.m.
366	November 20, 2008	1:29 p.m.
367	November 21, 2008	1:15 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-FOUR**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of December, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
368	December 1, 2008	1:20 p.m.
369	December 2, 2008	1:23 p.m.
370	December 3, 2008	1:25 p.m.
371	December 4, 2008	1:30 p.m.
372	December 5, 2008	1:21 p.m.
373	December 6, 2008	1:30 p.m.

374	December 8, 2008	1:32 p.m.
375	December 9, 2008	1:28 p.m.
376	December 10, 2008	1:28 p.m.
377	December 11, 2008	1:32 p.m.
378	December 12, 2008	1:30 p.m.
379	December 13, 2008	1:29 p.m.
380	December 15, 2008	1:39 p.m.
381	December 16, 2008	1:28 p.m.
382	December 17, 2008	1:30 p.m.
383	December 18, 2008	1:34 p.m.
384	December 29, 2008	1:30 p.m.
385	December 30, 2008	1:24 p.m.
386	December 31, 2008	1:20 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-FIVE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of January, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	SECTION
387	January 2, 2009	1:20 p.m.
388	January 5, 2009	1:22 p.m.
389	January 6, 2009	1:20 p.m.
390	January 7, 2009	1:20 p.m.
391	January 8, 2009	1:32 p.m.
392	January 9, 2009	1:26 p.m.

393	January 10, 2009	1:26 p.m.
394	January 12, 2009	1:24 p.m.
395	January 13, 2009	1:25 p.m.
396	January 14, 2009	1:24 p.m.
397	January 15, 2009	1:33 p.m.
398	January 16, 2009	1:28 p.m.
399	January 20, 2009	1:15 p.m.
400	January 21, 2009	1:22 p.m.
401	January 22, 2009	1:05 p.m.
402	January 23, 2009	1:31 p.m.
403	January 24, 2009	1:28 p.m.
404	January 26, 2009	1:27 p.m.
405	January 27, 2009	1:33 p.m.
406	January 28, 2009	1:28 p.m.
407	January 29, 2009	1:35 p.m.
408	January 30, 2009	1:22 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-SIX**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of February, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
409	February 2, 2009	1:20 p.m.
410	February 4, 2009	1:30 p.m.
411	February 5, 2009	1:00 p.m.
412	February 6, 2009	1:16 p.m.
413	February 9, 2009	1:26 p.m.
414	February 10, 2009	1:31 p.m.

415	February 11, 2009	1:27 p.m.
416	February 12, 2009	1:33 p.m.
417	February 13, 2009	1:22 p.m.
418	February 16, 2009	1:15 p.m.
419	February 17, 2009	1:35 p.m.
420	February 18, 2009	1:38 p.m.
421	February 19, 2009	1:31 p.m.
422	February 20, 2009	1:35 p.m.
423	February 21, 2009	1:34 p.m.
424	February 23, 2009	1:27 p.m.
425	February 24, 2009	1:28 p.m.
426	February 25, 2009	1:24 p.m.
427	February 26, 2009	1:24 p.m.
428	February 28, 2009	1:35 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-SEVEN**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of March, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
429	March 2, 2009	1:30 p.m.
430	March 3, 2009	1:33 p.m.
431	March 4, 2009	1:37 p.m.
432	March 5, 2009	1:30 p.m.
433	March 6, 2009	1:29 p.m.
434	March 7, 2009	1:30 p.m.

435	March 9, 2009	1:26 p.m.
436	March 10, 2009	1:20 p.m.
437	March 11, 2009	1:35 p.m.
438	March 12, 2009	1:28 p.m.
439	March 13, 2009	1:33 p.m.
440	March 16, 2009	1:34 p.m.
441	March 17, 2009	1:20 p.m.
442	March 18, 2009	1:31 p.m.
443	March 19, 2009	1:34 p.m.
444	March 20, 2009	1:35 p.m.
445	March 21, 2009	1:30 p.m.
446	March 23, 2009	1:36 p.m.
447	March 24, 2009	1:30 p.m.
448	March 25, 2009	1:38 p.m.
449	March 26, 2009	1:28 p.m.
450	March 26, 2009	1:32 p.m.
451	March 30, 2009	1:35 p.m.
452	March 31, 2009	1:23 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-EIGHT**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of April, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
453	April 1, 2009	1:30 p.m.
454	April 2, 2009	1:30 p.m.
455	April 3, 2009	1:26 p.m.
456	April 6, 2009	1:15 p.m.
457	April 7, 2009	1:45 p.m.
458	April 8, 2009	1:31 p.m.

459	April 9, 2009	1:30 p.m.
460	April 20, 2009	1:25 p.m.
461	April 21, 2009	1:27 p.m.
462	April 22, 2009	1:28 p.m.
463	April 23, 2009	1:22 p.m.
464	April 24, 2009	1:17 p.m.
465	April 27, 2009	1:30 p.m.
466	April 28, 2009	1:23 p.m.
467	April 29, 2009	1:17 p.m.
468	April 30, 2009	1:30 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT TWENTY-NINE**(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of May, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
469	May 1, 2009	1:31 p.m.
470	May 4, 2009	1:25 p.m.
471	May 5, 2009	1:24 p.m.
472	May 6, 2009	1:30 p.m.
473	May 7, 2009	1:21 p.m.
474	May 11, 2009	1:20 p.m.

475	May 12, 2009	1:22 p.m.
476	May 13, 2009	1:23 p.m.
477	May 14, 2009	1:30 p.m.
478	May 15, 2009	Unknown
479	May 18, 2009	1:27 p.m.
480	May 19, 2009	1:20 p.m.
481	May 20, 2009	1:17 p.m.
482	May 21, 2009	1:24 p.m.
483	May 22, 2009	1:19 p.m.
484	May 26, 2009	1:16 p.m.
485	May 27, 2009	1:20 p.m.
486	May 28, 2009	1:45 p.m.

in violation of Title 30, United States Code, Section 820(f).

COUNT THIRTY

(False Statements, Representations and Certifications in MSHA Documents)

UNDERGROUND MINE

COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS

On or about each date listed below in the month of June, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
487	June 1, 2009	1:23 p.m.
488	June 3, 2009	1:17 p.m.
489	June 4, 2009	1:21 p.m.

in violation of Title 30, United States Code, Section 820(f).

A true bill,

/s/
Foreperson
(Signature on File)

/s/ Stephen Warner Esq
WILLIAM J. IHLENFELD, II
UNITED STATES ATTORNEY